

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CRIMINAL TRIAL MINUTES

The Honorable WILLIAM ALSUP

Date: June 28, 2011

Case No. **CR 08-00730 WHA**

Time: 5 hours 40 minutes

Case Name: **UNITED STATES OF AMERICA** v.

MARVIN CARCAMO (custody)- D. Atty: Ken Behzadi
ANGEL GUEVARA (custody) - D. Atty: Lupe Martinez; Jennifer Naegele
MORIS FLORES (custody) - D. Atty: Mark Rosenbush
GUILLERMO HERRERA (custody) - D. Atty: Martin Sabelli
JONATHAN CRUZ-RAMIREZ (custody) - D. Atty: John Philipsborn
WALTER CRUZ-ZAVALA (custody) - D. Atty: Randy Sue Pollack
ERICK LOPEZ (custody) - D. Atty: Peter Goodman

Counsel for Government: Wilson Leung; Theryn Gibbons; William Frentzen

Spanish Interpreters: Carol Rhine-Medina; Nina Safdie; Fanny Suarez

Clerk: Dawn Toland

Court Reporter: Connie Kuhl; Kathy Sullivan

Trial Began March 9, 2011 Further Trial June 29, 2011 at 7:30 am

Trial Motions:

Disposition

1.	_____	_____
2.	_____	_____

Proceedings:

Government is assisted by Agent Ben Horton and paralegal Kevin Castello.
Defendants are assisted by Kevin Morley.

Jury Trial held. See attached trial worksheet for details.

Exhibits admitted today: 21, 23, 22A-E, 891, 892, 898, **900**, 902, 991, 991A-B, 995, 1017A-T, 1022, and 1023.
Bolded exhibits will remain in the custody of the Government.

Asterisk at exhibit number indicates a screen shot was saved of the witness markings.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIACase No: **CR 08-00730 WHA**Case Name: **UNITED STATES OF AMERICA v. MARVIN CARCAMO, ANGEL GUEVARA
MORIS FLORES, GUILLERMO HERRERA, JONATHAN CRUZ-RAMIREZ
WALTER CRUZ-ZAVALA, ERICK LOPEZ****EXHIBIT and WITNESS LIST**

PLF NO.	DEF NO	DATE OFFERED	ID	REC	DESCRIPTION	June 28, 2011	BY
		<u>7:30 am</u>			<u>Jury Trial Continued. Outside the presence of the jury. Defendant Moris Flores shall file a brief by 5pm today re motion to suppress. Government shall file a brief by 5pm today in response to Guillermo Herrera's motion re text messages. Court will hear argument tomorrow morning on Government's proffer to call expert on cell site and ex parte request for in-camera review of recording device.</u>		
		<u>8:23 am</u>			<u>Reconvene...jury presnt</u>		
					<u>Government's witness Robert McGrory sworn-in. Direct by Wilson Leung. No picture taken.</u>		
<u>990</u>			<u>x</u>	<u>x</u>	<u>Moving Records of Carlos Garrido</u>		
<u>976A</u>			<u>x</u>	<u>x</u>	<u>Query/Movement History of Erick Lopez</u>		
		<u>8:32 am</u>			<u>Cross Examination by Peter Goodman</u>		
		<u>8:33 am</u>			<u>Witness Excused</u>		
					<u>Government's witness Ronald Witt sworn-in. Direct by Wilson Leung</u>		
<u>991</u>			<u>x</u>	<u>x</u>	<u>CD Cell Tower Records for T-Mobile</u>		
<u>991A</u>			<u>x</u>	<u>x</u>	<u>T-Mobile Subscriber Information</u>		
<u>991B</u>			<u>x</u>	<u>x</u>	<u>T-Mobile Phone Records</u>		
<u>992A</u>			<u>x</u>		<u>Cell Data</u>		
<u>992B</u>			<u>x</u>		<u>Cell Tower Data</u>		
<u>993 A-V</u>			<u>x</u>		<u>Plotted Cell Tower Data</u>		
		<u>9:12 am</u>			<u>Recess</u>		
					<u>Outside the presence of the jury. Court and counsel addressed an issue regarding exhibit 993A-V</u>		
		<u>9:39 am</u>			<u>Recess</u>		

		9:57 am			Outside the presence of the jury. Parties did not reach a stipulation. Defendant Moris Flores' motion re 357 is pending. Government shall file briefs on Erick Lopez' motion for mistrial re Massiah by July 4 at 5pm.
		10:10 am			Reconvene...jury present
					Court advised the jury that witness Ronald Witt will return to complete his testimony later.
					Government's witness Gina Gochez sworn-in. Direct by <u>William Frentzen</u>
<u>1121</u>		<u>x</u>	<u>x</u>		<u>Photograph of Carlos Flores</u>
<u>995</u>		<u>x</u>	<u>x</u>		<u>Pizza Orgasmica Clock in/out Records</u>
		10:24 am			<u>Cross Examination by Peter Goodman</u>
		10:27 am			<u>Witness Excused</u>
					Government's witness Agent Mark Beeson sworn.-in. Direct by <u>Wilson Leung</u>
<u>1017</u> <u>A-T</u>		<u>x</u>	<u>x</u>		<u>Photographs of Items Seized in House.</u>
<u>893</u>		<u>x</u>			<u>Evidence bag containing individually marked exhibits 891, 1022, 902, 892, 1023</u>
<u>898</u>		<u>x</u>			<u>Evidence bag containing Winnie the Pooh photo album</u>
<u>900</u>		<u>x</u>			<u>Evidence bag containing envelope w/two cartridges</u>
<u>891</u>		<u>x</u>			<u>Drawings depicting MS-13</u>
<u>1022</u>	<u>Redact</u>	<u>x</u>	<u>x</u>		<u>Envelopes (Admitted envelopes only)</u>
<u>902</u>		<u>x</u>	<u>x</u>		<u>Drawings with MS</u>
<u>892</u>	<u>Redact</u>	<u>x</u>	<u>x</u>		<u>Envelope from Marvin Carcamo to Juan Carcamo (Admitted envelope only)</u>
<u>1023</u>		<u>x</u>	<u>x</u>		<u>Drawing of Bridge</u>
<u>900</u>		<u>x</u>	<u>x</u>		<u>Evidence bag containing envelope w/two cartridges</u>
<u>1016</u> <u>A-R</u>		<u>x</u>			<u>Photographs of Tattoos</u>
<u>1017Q</u>		<u>x</u>	<u>x</u>		<u>Photograph of Item Seized in House</u>
<u>1017R</u>		<u>x</u>	<u>x</u>		<u>Photograph of Item Seized in House</u>
<u>898</u>		<u>x</u>	<u>x</u>		<u>Evidence bag containing Winnie the Pooh photo album</u>
		11:08 am			<u>Witness Excused</u>
		11:08 am			<u>Recess</u>

					Outside the presence of the jury. Court heard objection to receiving exhibit 891. During the break defendant Marvin Carcamo will review translations of the letters written Spanish.
<u>891</u>		<u>x</u>	<u>x</u>		<u>Drawings depicting MS-13</u>
	<u>11:15 am</u>				<u>Recess</u>
	<u>11:35 am</u>				Outside the presence of the jury. Government moved to admit letters written in Spanish, along with translations, exhibits 890, 894, 895, 896, 897 and 903. Each exhibit has T and TT. Defendants shall file objections to the exhibits by July 4 at 5pm.
	<u>11:47 am</u>				<u>Reconvene...jury present</u>
					Government's witness Sgt Mario Molina , previously sworn. Direct by Theryn Gibbons.
<u>1163</u>		<u>x</u>	<u>x</u>		<u>Photograph of Crimen</u>
<u>21</u>		<u>x</u>	<u>x</u>		<u>Sketch book from Moris Flores house</u>
<u>1153</u>		<u>x</u>	<u>x</u>		<u>Photograph of Popeye</u>
<u>1152</u>		<u>x</u>	<u>x</u>		<u>Photograph of Fantasma</u>
<u>22</u> <u>A-E</u>		<u>x</u>	<u>x</u>		<u>Photographs of Moris Flores</u>
<u>372A</u>		<u>x</u>	<u>x</u>		<u>Photograph of Erick Lopez</u>
<u>373A</u>		<u>x</u>	<u>x</u>		<u>Photograph of Edwin Ramos</u>
<u>23</u>		<u>x</u>	<u>x</u>		<u>CD Recording of Interview w/Erick Lopez</u>
<u>23T</u>		<u>x</u>			<u>Transcript of Recording of Interview w/Erick Lopez (copies distributed; will be collected)</u>
	<u>12:42 pm</u>				<u>Played CD Recording for the jury</u>
	<u>1:00 pm</u>				<u>Recess</u>
					Outside the presence of the jury. Defendant Erick Lopez shall have investigator appear in support of request for arrest warrant of Edward Yegian. Government shall provide defendants copies of cell data today.
	<u>1:10 pm</u>				<u>Recess until 6/29/11 at 7:30 am</u>